

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

OMB Uniform Guidance on FOIA Fees

(A.H.) ER 5262X-86

FROM:

Director, Office of Information Services

EXTENSION

NO.

DD/A Registry
26 1979X

DATE

24 November 1986

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DDA/EXA
7D18 HQ

24 NOV 1986

11/27

Ja

2.

ADDA

24 NOV 1986

W

3.

DDA

26 NOV 1986

Q

Attached for your signature is our reply to the 6 November 1986 memorandum from Office of Management and Budget. Mr. Miller's memorandum is attached for your information. The response has been coordinated with [redacted] OGC.

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DDA/Registry

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DD/A REGISTRY

FILE: 70-3

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Central Intelligence Agency



Washington, D.C. 20505

DD/A Hq:1st-
86-1979X

9 JUL 1986

James C. Miller III
Director
Office of Management and Budget
Executive Office of the President
Washington, DC 20503

Dear Mr. Miller:

In response to your memorandum of 6 November 1986 concerning uniform guidance on FOIA fees, we offer the following responses to your specific questions:

Based on FOIA fees billed thus far this year, we expect our 1986 billings to be around \$13,122. Under the new provisions, we would probably be able to charge no more than 5% of that amount, or about \$650.

We do not provide documents under any statute other than the FOIA or the Privacy Act that specifically sets the level of fees to be charged.

We waive all fees below \$6.00, the cost to the Agency for collection and processing of fees.

We would also like to offer the following observations. First of all, it is not clear to us whether the provisions for giving the requester the first two hours of search time free is intended to include computer time or only the manual search involved in locating the documents. Most of our indices are computerized, and, while the initial search to find out where the document is filed may take only a few minutes, computer time is rather expensive. We have, nevertheless, been charging a nominal flat fee of \$11.00 for each on-line search. Most requests require several such searches because of the complex nature of the requests we receive. A substantial portion of our charges are, therefore, for computer time. We would recommend, if such is possible, that your guidelines interpret this provision as excluding computer time from the two hours gratis search provisions.

Second, we would like to offer an observation concerning the provision for a blanket fee waiver for members of the news media and educational institutions. We have been charging or waiving fees for these requesters based on the public benefit to be derived from the requested material, as we do in all other cases. About \$2300 of our billings so far this year have been to media representatives or researchers who have not been able to show the

public benefit that would result from their request. We anticipate that, with this blanket exemption from fees, a large number of requesters will be claiming to be free lance journalists or researchers. The Office of Management and Budget may find it advantageous to issue guidelines as to who qualifies for the media/educational exemption, such as a staff reporter with a specific assignment or a college professor engaged in a specific research project. Incidentally, we support the Department of Justice guidelines, issued 12 November 1986, concerning charges to large-scale collectors of records who make records available to researchers for a fee.

The Information and Privacy Coordinator of this agency, [redacted] and his staff will be glad to discuss these matters further with members of your staff if you should feel further discussion would be profitable. He can be reached on [redacted]

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Sincerely,

William F. Donnelly

William F. Donnelly
Deputy Director
for
Administration

Distribution:

Original - Addressee

- ✓ 1 - DDA Chrono
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- 1 - OIS Chrono
- 1 - OIS Subject
- 1 - IPD Chrono
- 1 - IPD Subject

EXECUTIVE SECRETARIAT**ROUTING SLIP**

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR		X		
4	D/ICS				
5	DDI		X		
6	DDA	X			
7	DDO		X		
8	DDS&T		X		
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt		X		
13	D/OLL		X		
14	D/PAO				
15	D/PERS				
16	VC/NIC				
17	D/OIS/DA		X		
18	C/IPD/OIS		X		
19	C/IMS/DO		X		
20					
21					
22					
SUSPENSE		28 Nov 86 <small>Date</small>			

Remarks To #6: For direct response by
28 Nov 86, please.

STAT

[Signature] Executive Secretary

14 Nov 86

Date

3637 (10-81)



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Executive Registry

86- 5262x

November 6, 1986

M-87-10

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

FROM:

James C. Miller III
Director*James C. Miller*

SUBJECT:

OMB Uniform Guidance on FOIA Fees

The recently enacted omnibus drug enforcement legislation contains a revision to the administrative provisions of the Freedom of Information Act (FOIA) requiring OMB to issue a "uniform schedule of fees for all agencies." Agencies, in turn, are required to issue their own implementing regulations based upon OMB's schedule within 180 days after enactment, i.e., by April 26, 1987.

This memorandum is to notify you of these requirements and to assure you that we intend to issue such guidelines early in the coming year. This should give agencies sufficient lead time to develop and issue their own implementing rules.

To assist us in keeping to this schedule, please provide the following information:

- o The amendment requires agencies to provide each requester two hours of search time and the first 100 pages of duplication without charge. To give us some idea of the effect of this provision, project the total dollar amount of the charges you expect to collect for 1986 and determine by how much this provision would reduce that total. What percentage of requests will this provision exclude from charges?
- o Do you provide documents under a statute other than the FOIA or the Privacy Act that specifically sets the level of fees to be charged? Please identify and give statutory citation.
- o The amendment forbids agencies from charging fees if the "costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee." What does it cost your agency to collect and process a fee?

Please provide your responses along with any recommendations you care to make regarding fee guidelines no later than November 28, 1986. Address questions to Robert N. Veeder, Office of Information and Regulatory Affairs, FTS 395-4814.

EXECUTIVE SECRETARIAT

ROUTING SLIP

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR		X		
4	D/ICS				
5	DDI		X		
6	DDA	X			
7	DDO		X		
8	DDS&T		X		
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt		X		
13	D/OLL		X		
14	D/PAO				
15	D/PERS				
16	VC/NIC				
17	D/OIS/DA		X		
18	C/IPD/OIS		X		
19	C/IMS/DO		X		
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